

08/20/01

J1044 U.S. PTO

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PTO/SB/05 (11-00)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	TELNP0139USB
First Inventor	O'Hagan, et al.
Title	PORTABLE DATA COLLECTION NETWORK...
Express Mail Label No.	EL592219249US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. <input checked="" type="checkbox"/>	Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)
2. <input type="checkbox"/>	Applicant claims small entity status. See 37 CFR 1.27.
3. <input checked="" type="checkbox"/>	Specification [Total Pages 37] (preferred arrangement set forth below) - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure
4. <input checked="" type="checkbox"/>	Drawing(s) (35 U.S.C. 113) [Total Sheets 11]
5. <input type="checkbox"/>	Oath or Declaration [Total Pages 3] a. <input type="checkbox"/> Newly executed (original or copy) Copy from a prior application (37 CFR 1.63 (d)) b. <input checked="" type="checkbox"/> (for continuation/divisional with Box 18 completed) i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. <input type="checkbox"/>	Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. <input type="checkbox"/>	CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. <input type="checkbox"/>	Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper c. <input type="checkbox"/> Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. <input type="checkbox"/>	Assignment Papers (cover sheet & document(s))
10. <input type="checkbox"/>	37 CFR 3.73(b) Statement of Power of Attorney (when there is an assignee)
11. <input type="checkbox"/>	English Translation Document (if applicable)
12. <input type="checkbox"/>	Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. <input checked="" type="checkbox"/>	Preliminary Amendment
14. <input checked="" type="checkbox"/>	Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. <input type="checkbox"/>	Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. <input type="checkbox"/>	Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. <input checked="" type="checkbox"/>	Other: Petition under 37 CFR 1.47(a) From Parent Application.....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

<input type="checkbox"/> Continuation	<input checked="" type="checkbox"/> Divisional	<input type="checkbox"/> Continuation-in-part (CIP)	of prior application No.: 08 / 867, 076
Prior application information:		Examiner: Thanh C. Le	Group Art Unit: 2684

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label	23908 (Insert Customer No. or Attach bar code label here)	or	<input checked="" type="checkbox"/> Correspondence address below
Name	M. David Galin		
Address	Renner, Otto, Boisselle & Sklar, LLP 1621 Euclid Avenue, Nineteenth Floor		
City	Cleveland	State	Ohio
Zip Code	44115	Fax	216-621-6165
Country	US	Telephone	216-621-1113

Name (Print/Type)	M. David Galin	Registration No. (Attorney/Agent)	41,767
Signature	[Signature]		Date August 20, 200

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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**FEE TRANSMITTAL
for FY 2001**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT(\$)**890.00****Complete if Known**

Application Number	Not yet assigned
Filing Date	Herewith
First Named Inventor	O'Hagan, et al.
Examiner Name	Not yet assigned
Group Art Unit	Not yet assigned
Attorney Docket No.	TELNP0139USB

METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **18-0988**

Deposit Account Name

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:**

☒ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	710
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$)**710****2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
30	-20** = 10	X 18	= 180
3	-3** = 0	X 0	= 0
Multiple Dependent		0	= 0

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)**180**

**for number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**SUBMITTED BY**

Name (Print/Type)	M. David Galin	Registration No. (Attorney/Agent)	41,767	Telephone	(216) 621-1113
Signature		Date	August 20, 2001		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231.

Dated:

December 23, 1997

Mark D. Saralino
Mark D. Saralino

j1046 U.S. PTO
09/933500
08/20/01

Attorney Docket No. TELNP0139US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Timothy P. O'Hagan, et al.

Serial No.: 08/867,076

Filing Date: June 2, 1997

For: PORTABLE DATA COLLECTION NETWORK WITH
TELEPHONE AND VOICE MAIL CAPABILITY

Art Unit: 2202

PETITION UNDER 37 CFR 1.47(a)

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Petition hereby is made to accept the enclosed Combined Declaration and Power of Attorney and allow prosecution on the above-identified application by a joint inventor on behalf of an omitted inventor who refuses to sign. This petition is supported by the enclosed Declaration of Facts in Support of Filing on Behalf of Omitted Inventor Under 37 CFR 1.47(a).

Enclosed is a check in the amount of \$130.00 to cover the fee for this petition. The Commissioner is hereby authorized to charge any additional fees to Deposit Account No. 18-0988 .

Respectfully Submitted,
RENNER, OTTO, BOISSELE & SKLAR

By

Mark D. Saralino

Mark D. Saralino
Reg. No. 34,243

RECEIVED

OCT 01 2001

OFFICE OF PETITIONS

1621 Euclid Avenue, 19th Floor
Cleveland, Ohio 44115-2191
(216) 621-1113

g:\shared\brenda\tehn\139 Petition

The PTO did not receive the following
listed item(s) check \$130

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Art Unit: 2202

Assistant Commissioner for Patents
Washington, D.C. 20231

1. I, the undersigned, hereby make this declaration as to facts which establish: (a) the diligent effort made to secure the execution of the Combined Declaration and Power of Attorney of the omitted inventor, Dr. Ynjiun P. Wang (the "CDPA"), for the above-identified application (the "Application"), before deposit thereof in the Patent and Trademark Office; and (b) Dr. Wang's refusal to execute the CDPA.

2. The Application is a continuation-in-part of Serial No. 08/493,480, filed June 21, 1995, for which Dr. Wang is a named inventor. The Application describes a portable data collection network with telephone and voice mail capability which implements voice communication aspects contributed by Dr. Wang.

3. By letter dated June 1997, I sent Dr. Wang, through his counsel, a copy of the Application along with the CDPA and associated documents. I requested that Ms. Koesel forward these materials to Dr. Wang for his review and execution. In response, I received Ms. Koesel's letter dated August 27, 1997, a copy of which is attached as Exhibit I. Ms. Koesel stated that she had forwarded the documents to Dr. Wang, but that he could not recall making any contribution to the subject matter of the Application. The CDPA was returned to me unexecuted.

4. By letter dated September 11, 1997, I sent Dr. Wang, through his attorney, evidence of Dr. Wang's contribution to the invention disclosed in the Application, and renewed my request that he execute the CDPA. Copies of this letter and its enclosures are attached as Exhibit II. In that letter, I stated that if I did not receive Dr. Wang's executed CDPA by October 3, 1997, I would consider it a refusal by him to execute that document. In response, I received Ms. Koesel's letter dated September 12, 1997, a copy of which is attached as Exhibit III. In her September 12, 1997, letter, Ms. Koesel stated that Dr. Wang now refused to review the Application or execute the CDPA unless he was reimbursed for his time and legal fees.

5. On September 23, 1997, I sent yet another letter to Dr. Wang's attorney, Ms. Koesel, in an attempt to secure his review of the Application and execution of the CDPA. A copy of that letter is attached as Exhibit IV. In my September 23, 1997 letter, I reminded Dr. Wang that he had no right to his requested payments, and I again stated that if I did not receive his executed CDPA by October 3, 1997, I would consider it a refusal by him to execute that document. In response, I received Ms. Koesel's letter dated September 26, 1997, a copy of which is attached as Exhibit V, in which she stated that Dr. Wang continued to deny that he was an inventor in the Application.

00933500-082001

6. As of the date of this Declaration, I have not received Dr. Wang's executed CDPA in connection with the Application.

7. The last known address of Ynjiun P. Wang and the address of his attorney are:

Residence*

Ynjiun P. Wang
5235-17 Red Cedar Drive
Fort Myers, Florida 33907

Attorney

Margaret M. Koesel
Porter, Wright, Morris & Arthur
Huntington Building, Suite 1700
925 Euclid Avenue
Cleveland, Ohio 44115-1483

Date:

12/22/97

Jay R. Paeges, Esq.
Goodman Weiss Miller LLP
100 Erieview Plaza, 27th Floor
Cleveland, Ohio 44114-1824

[illegible]

* Upon information and belief, Dr. Wang has relocated to California at an address known to his attorney.

EXPRESS MAIL NO. EL592219249US

Date of Deposit: August 20, 2001

I hereby certify that this patent application (along with any other paper referred to as being attached or enclosed) is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to:

BOX PATENT APPLICATION
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231.

David Friedman

(Typed or printed name of Sender)


(Signature)

CA\I09\CASES\te\p0139usb\te\p0139usb.express mail cert

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